

**BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO**

DAVID ROBNETT,	)	
	)	
Claimant,	)	<b>IC 98-025222</b>
	)	
v.	)	
	)	
KONKOLVILLE LUMBER	)	
COMPANY, INC.,	)	
	)	
Employer,	)	
	)	<b>ORDER</b>
	)	
WAUSAU UNDERWRITERS	)	
INSURANCE COMPANY,	)	August 7, 2006
	)	
Surety,	)	
	)	
Defendants.	)	
_____	)	

Pursuant to Idaho Code § 72-717, Referee Lora Rainey Breen submitted the record in the above-entitled matter, together with her proposed findings of fact and conclusions of law to the members of the Idaho Industrial Commission for their review. Each of the undersigned Commissioners has reviewed the record and the recommendations of the Referee. The Commission concurs with these recommendations. Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusions of law as its own.

Defendants have resubmitted their motion to dismiss Claimant's claim for consideration by the Commissioners. The Commission confirms and adopts the order of the Referee dated June 20, 2006 regarding Defendants' motion to dismiss the case for Claimant's failure to file a closing brief in this matter. Further, Claimant's oral argument at the hearing will be construed as his closing brief in the case.

Based upon the foregoing reasons, IT IS HEREBY ORDERED That:

1. Defendants waived the statutory limitation period set forth in Idaho Code § 72-706, and Claimant's claim is not barred.

2. Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to all issues adjudicated.

DATED this 7 day of August, 2006.

INDUSTRIAL COMMISSION

/s/  
Thomas E. Limbaugh, Chairman

/s/  
James F. Kile, Commissioner

/s/  
R. D. Maynard, Commissioner

ATTEST:

/s/  
Assistant Commission Secretary

**CERTIFICATE OF SERVICE**

I hereby certify that on the 7 day of August, 2006, a true and correct copy of the foregoing **Order** was served by regular United States Mail upon each of the following persons:

DANNY J RADA KOVICH  
1624 G STREET  
LEWISTON ID 83501

MONTE R WHITTIER  
LAW OFFICES OF HARMON, WHITTIER & DAY  
P O BOX 7507  
BOISE ID 83707

jkc

/s/